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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: RELIGIOUS INTOLERANCE

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

Religious Intolerance in Asia

1. Freedom of religion is guaranteed by article 18 of the Universal Declaration of Human Rights. Notwithstanding, the Asian Legal Resource Centre concurs with the Special Rapporteur that "the situation with regard to intolerance and discrimination based on religion or belief is alarming" (A/55/280, paragraph 133). In the last year, Asia has witnessed a marked increase in the level of religious intolerance and overt forms of disrespect and aggression.

2. Violations of the right to freedom of belief are closely associated with violations of the economic, social and cultural rights of minorities and marginalised communities. Unequal distribution of wealth, unequal access to limited resources, loss of identity, loss of authority among the traditional leadership of many minority groups and other trends linked to globalisation have all exacerbated intolerance and contributed to the growth of extremism.

3. States have failed to take remedial action to control extremists' operations and prosecute criminal activities, in spite of calls that "states and the international community must condemn [religious extremism] unequivocally and combat it relentlessly in order to preserve the human right to peace" (A/55/280, paragraph 136). The most tragic outcome of this failure is that it fuels, rather than appeases, the further development of belligerent attitudes and actions among extremist factions.

4. Religious fundamentalism is creeping subtly into areas that have hitherto remained largely secular. Increasingly, Asian political parties are forming along religious lines, increasing the potential for intolerance and sectarianism. A summary of particular conditions in certain states follows.

5. MYANMAR: Although the government of the Union of Myanmar claims to safeguard religious freedom, indications are otherwise. While a predominantly Buddhist country, there are also large Christian and Muslim communities in Myanmar. Notwithstanding, the government emphasises Buddhist ceremony in its performance of routine state functions. In so doing it ostracises other religious groups and sets Buddhist standards as the norm for state institutions. Students in schools are thus obliged to participate in Buddhist ritual irrespective of their religious beliefs. Office-holders in state agencies are almost without exception Buddhist.

6. The Asian Legal Resource Centre is greatly concerned by recent reports of religious riots between Buddhist and Muslim communities in central Myanmar. Clashes have occurred throughout most of 2001 and are known to have been particularly severe in October, when events in the towns of Pegu, Pyi, Hinthada and others are understood to have left around a hundred people killed, hundreds injured and caused considerable damage to property. The government has since declared a state of emergency and imposed curfews in these areas, however some reports suggest that, as in previous instances, government agencies did not intervene until after considerable damage had been inflicted upon the smaller Muslim communities. The annual International Religious Freedom Report released by the US State Department in October 2001 also asserts that government instigators were among the crowds involved, some posing as monks. Islamic groups claim that in the aftermath of the clashes the greatest impositions have been placed on Muslims, restricting their movements and increasing surveillance of Muslim holy centres. A government order of 5 November has reportedly denied permission for Islamic public gatherings.

7. The long-term maltreatment of Rohingya Muslims in the west of Myanmar is also a matter of great concern. Independent agencies have reported on the tragic plight of the Rohingyas—who are discriminated against and denied equal rights with others on the specious grounds that they are illegal immigrants—since the exodus of hundreds of thousands into Bangladesh during the early and mid-1990s. Although most were subsequently repatriated under dubious circumstances, reports of their maltreatment on the basis of religion and descent have continued. These reports cite repeated and systemic instances of arbitrary execution and arrest, torture, forced relocation, excessive and arbitrary taxation, forced conversion, travel restrictions and destruction of mosques.

8. Although Myanmar's Islamic community has borne the brunt of religious discrimination there, reports also indicate that Christian groups have suffered less overt persecution. A recent study by Christian Solidarity Worldwide alleges that new laws in Myanmar have been imposed specifically to restrict the Christian community's rights to freedom of worship. The new laws are reported to have forced the closure of all churches less than one hundred years old and sent dozens of priests into hiding. Other sources indicate that bans have also been placed on the construction of new church buildings or the holding of services in homes in some parts of the country, and in some areas forced conversions of Christians to Buddhism are ongoing.

9. In his statement to the 56th Session of the UN General Assembly of 9 November 2001, the Special Rapporteur on the situation of human rights in Myanmar expressed his deep concern over the deterioration religious rights there. The Asian Legal Resource Centre welcomes his statement and encourages him to vigorously pursue reports of violations as an integral part of his mandate.

10. INDONESIA: Sectarian conflict between Christians and Muslims has raged on in Poso, Sulawesi since late 1999. Some 2,000 people have died as a result, not to mention the damage to property. Current reports speak of a large number of persons being displaced after in October this year perhaps thousands of armed militants from other provinces arrived. Hence there have been reports that the latest situation has been exacerbated by infiltration from certain extreme groups originating from outside the area, including the Java-based Muslim group, Laksa Jihad.

11. A closer examination of so-called religious tensions and conflicts in Indonesia reveals a remarkably common pattern: hidden behind the veil of complexities and ambiguities, invariably there emerges the indelible hand of agents or parties with vested interests in provoking conflict. These range from efforts to destabilize the existing political power structure, to seeking economic advantage or simply finding scapegoats for economic and social ills. The state has failed lamentably to arrest the mounting violence and hatred on either side of the religious divide. Accusations of law enforcement authorities' complicity have not been investigated.

12. Given the gravity of the situation and the likelihood of continued violence it is important that the state adopt the following measures:
    - Prosecute all that have been involved in criminal activities irrespective of their religious or ethnic origin in Ambon, Sulawesi and other areas where there have been sectarian violence;
    - Disarm militiamen and fighters of the conflicting camps;
    - Prevent the entry of large groups of persons from other areas without due authorisation;
    - Rehabilitate all displaced persons and provide them the necessary security;
    - Expel from the areas of conflict the persons from the other regions, particularly the

alleged members of laskar Jihad;
- Provide equal opportunities in education and employment both to Muslims, Christians and other ethnic groups in the areas of sectarian violence;
- Create an environment conducive to reconciliation instead of creating villages separated on the basis of religion;
- Explore the possibility of non-denominational schools fostering understanding and trust;
- Form village-based peace committees composed of civilians of various religious communities and the members of the law enforcement agencies.

13. SOUTH ASIA: In South Asia India and Nepal in particular continue to discriminate and deny basic rights on the basis of existing religious beliefs and practices. As was stated in the Asian Legal Resource Centre's previous submission in 2000, the caste system continues to deny basic rights to a at least 160 million people in these countries. When serious attempts were made to bring this major issue to the attention of the international community at the September 2001 World Conference against Racism in Durban, South Africa, the Indian Government took a very negative attitude and tried desperately to prevent any in-depth discussion or the passing of resolutions regarding this matter. Discrimination against Dalits and other so-called 'outcastes' has generated a sense of apathy and personal worthlessness among parts of the society and is in conflict with religious goals of justice and equality. These states have not taken effective action either to change the prevailing mindset or to implement existing anti-discrimination legal provisions.

14. Considering the immense cultural, social, political and the economic harm that the caste system has perpetrated over centuries, it is time that the Asian countries—India in particular—take and the Commission take the following actions to rectify the situation:
- Deem untouchability a crime against humanity punishable in the severest forms;
- Appoint a Special Rapporteur or Working Group on discrimination on the basis of descent and work;
- Since women have been found to be the most victimised among the Dalits, make distinct provisions for them in planning, allocation of funds and the reservation of facilities in education and employment;
- Create statutory bodies at the national level for monitoring atrocities against Dalits.

15. INDIA: India is experiencing frightening growth in religious extremism. What is of great concern is the impunity with which a number of extreme Hindu fundamentalist groups function in the society, in sharp contrast with what is stated in the Constitution of India, that it is a 'Sovereign Socialist Secular Democratic Republic'. Figures provided to the Minorities Commission by various state police departments indicate that the number of officially recorded attacks on Christians and Christian institutions rose sharply from 27 in 1997 to 86 the following year, 120 in 1999 and 216 in 2000. During the first three months of 2001, 37 incidents were reported. During 1997 and 1998, five individuals died on account of such incidents. The number of fatalities went up to 12 and 13, respectively, in the next two years. The number of those injured rose from 45 in 1998, to 91 and 132 in the next two years.

16. By way of an example, in one attack around 100 Hindu fundamentalists are reported to have destroyed the Philadelphia Church in Tichakiya village, Madhya Pradesh, on 29 October 2001. Samson Christian, a National Executive member of the All India Christian Council, wrote a letter to the President of India after the incident in which he

alleged that police authorities had refused to register a complaint against the attackers. He claims that Pastor Bachubhai Vikabhai Bhuria, who works with about 150 Christian families of the village, approached the police, but they instead supported the Hindu attackers. Indeed, the current penalties against religious intolerance in India are neither effective nor properly enacted.

17. PAKISTAN: In Pakistan also there is evidence of discrimination against religious minorities. Those worst affected are the Ahmadis, low caste Hindus and Christians. The present political leadership, lacking a mandate from the people, is obviously reluctant to take any decisive measures that would hurt the feelings of the majority and is simply allowing the rights of minorities to be eroded. In the political system, religious preference is used as the basis for the present 'separate electorate system', whereby Christians are compelled to vote for four special Christian representatives. Every request to overturn this law and allow minorities to vote for national candidates has been rejected, further aggravating minority feelings that they are treated as second-class citizens and are discriminated against on the basis of religion. Since no attention has been drawn to this situation by the state we are compelled to bring it to the attention of the Commission.

18. The Asian Legal Resource Centre urges the Commission on Human Rights to take religious intolerance in Asia as a matter of grave concern and urgency. Literally millions of people are suffering the terrible burden of religious discrimination. The levels of violence both within and between communities with different beliefs are intense. A truly explosive situation exists that calls for the Commission's consideration and effective and immediate action through all its conventional and extra-conventional mechanisms to ensure religious tolerance and the respect for the rights of others.